

Application No. 10/777,935

REMARKS

This amendment is filed in response to the Office Action dated December 14, 2005, in which claims 1-22 are rejected. Claims 1, 3, 7, 9 and 18 have been amended to more clearly describe the invention as claimed. Claims 2, 4-6, 8, 10-17 and 19-22 are canceled without prejudice or disclaimer. New claims 23-28 are added. Reconsideration and allowance of all pending claims is requested.

Claims 1, 3, 9 and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Rostron (U.S. patent no. D386,859). Applicant respectfully submits that the Rostron reference fails to teach the inventions of claims 1, 3, 9 and 18.

Claim 1 as amended requires the cleaning structure and the shaft be integrally formed from a single and continuous piece of material. It is apparent that the tool shown in the Rostron patent is not formed from a single and continuous piece of material. Rather, the forked section of the Rostron tool is apparently formed from a separate piece of material which is attached to the shaft portion such as by spot welding. Thus, the Rostron patent does not describe a cleaning structure and shaft that are integrally formed from a single and continuous piece of material. Therefore, claim 1 patentably defines over the Rostron patent. Reconsideration and allowance of claim 1 is requested.

Claims 3, 9 and 18 are dependent on claim 1 and describe additional important aspects of the invention. Therefore, claims 3, 9 and 18 patentably define over Rostron for at least the same reasons as set forth above regarding claim 1. Reconsideration and allowance of claims 3, 9 and 18 is requested.

Claims 1, 3, 7, 9 and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Heuck (U.S. patent no. 4,112,537). Heuck describes a grill scraper wherein the scraping elements are disposed on a wheel that is attached to a shank. As shown in Fig. 1, the scraping elements and the shank of the Heuck tool are not formed from a single and continuous piece of material as required by claim 1. Therefore, claim 1 and dependent claims 3, 7, 9 and 18 patentably define over Heuck. Reconsideration and allowance of claims 1, 3, 7, 9 and 18 is requested.

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Claims 1, 3, 7, 9 and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Floyd (U.S. patent no. 6,485,074). Floyd describes a tool wherein a grill contacting unit (30) is releasably attached to the end of an elongate body (12). Thus, as described at column 3, lines 37-58, the grill contacting unit and the elongate body of the Floyd tool are not formed from a single and continuous piece of material as required by claim 1. Therefore, claim 1 and dependent claims 3, 7, 9 and 18 patentably define over Floyd. Reconsideration and allowance of claims 1, 3, 7, 9 and 18 is requested.

Claims 1, 3, 7, 9 and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (U.S. patent no. D234,743). It is apparent that the forked sections and the shaft shown in the Anderson patent are not formed from a single and continuous piece of material. Rather, the two forked sections are apparently separately formed from separate pieces of material that are attached to the shaft portion by fasteners. Thus, the Anderson patent does not describe a cleaning structure and shaft that are integrally formed from a single and continuous piece of material. Therefore, claim 1 and dependent claims 3, 7, 9 and 18 patentably define over Anderson. Reconsideration and allowance of claims 1, 3, 7, 9 and 18 is requested.

Applicant submits that new claims 23-28 add no new matter to the application and patentably define over the cited references for at least the same reasons as set forth above for claim 1. Consideration and allowance of claims 23-28 is requested.

In light of the foregoing discussion of the claims of the invention and the cited references, Applicant respectfully submits that a full and complete response to the Office Action is provided herein, and that all of the pending claims are now in condition for full allowance. Action in accordance therewith is respectfully requested.

If the Examiner identifies further issues that may be resolved by telephone, the Examiner is invited to contact the undersigned at (865) 546-4305.

In the event this response is not timely filed, Applicant hereby petitions for the appropriate extension of time and requests that the fee for the extension along with any other fees that may be due with respect to this paper be charged to our Deposit Account No. 12-2355.

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Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below to Fax No. 571-273-8300.

Date: March 14, 2006



Mark P. Crockett